Ambassadors, Delegates, Ladies and Gentlemen this is a most important occasion.

The adoption in 2005 of the Amendment to the Convention marked a major milestone in international efforts to build a strong and robust nuclear security framework and to provide a basis for strengthening the physical protection of nuclear material and facilities. We are now five years further on and despite the calls on the Parties to the Convention to take early steps to bring the Amendment into force, it has not yet happened and the process remains slow.

Our initial expectations being disappointingly unfulfilled and the needed legal framework being only partly constructed.

This meeting therefore is to take stock of how far we have come and importantly how far we still need to go.

In this context, I hope you will provide your input on the priorities for moving forward.

Key questions

The question raised this morning is whether the CPPNM Amendment makes a difference. In answer, we first need to consider, albeit in the short time available, the following three questions:

(1) Where does the CPPNM fit into the bigger picture?

(2) Why was there a need to amend the CPPNM in the first place and why is this need even more relevant today?

(3) What does the Amendment actually bring to the table?

There is also a further question, concerning what are the possible ways we can overcome the hurdles leading to the early entry into force of the Amendment. I expect this question, however, to be addressed in the later discussion and in the following presentations on IAEA assistance, including the Legislative Assistance Programme.

(1) Where does the CPPNM fit into the bigger picture?

As to the first, question, the legal foundation for nuclear security comprises, in large part both binding and non-binding instruments adopted under both Agency and other auspices.
As in other areas of law such as nuclear safety and liability, there is no single international instrument addressing nuclear security in a comprehensive manner. Rather the broad range of international legal and guidance instruments provides a framework for all States - both those with active nuclear programmes and those conducting only limited nuclear activities.

The CPPNM is therefore one of the 13 international legal counter-terrorism instruments in force. Included in the list, is the UNs Nuclear Terrorism Convention, which although adopted at the same time as the CPPNM has been in force since 2007 following the deposit of the twenty-second instrument of ratification with its depositary.

(2) Why was there a need to amend the CPPNM in the first place and why is this need even more relevant today?

You will recall that the Convention was originally adopted under the Agency’s auspices in 1979, entering into force in 1987.

Despite the conclusion of the first CPPNM Review Conference in 1992 that “the Convention provide[d] a sound basis for physical protection during international transport and [was] acceptable in its current form”, States Parties continued to debate whether it would be desirable to review and amend the CPPNM in order to broaden its scope and thereby strengthen the international physical protection regime.

It was less than a decade later, in 1999, that a number of countries then began expressing concern that, in their view, the Convention “was incomplete” and “should be reviewed”.

It followed in early September 2001 that a group of legal and technical experts were assembled to reassess the Convention and recommend suitable amendments. And just a few days later, the IAEA Board of Governors was in session, discussing, by an irony of fate, the question of nuclear security, when the proceedings were interrupted with the projection on the screen of the horrifying live coverage of what was happening in New York.

Although the IAEA has been active in the field of nuclear security for many years, the past years are witness to a rapid and dramatic re-evaluation of the risks of terrorism in all its forms. In the five years since the adoption of the Amendment, the security of nuclear and other radioactive material and associated facilities has taken on heightened significance. It is therefore relevant that the preamble to the Amendment expressly highlighted the deep concern of States at that time, by the worldwide escalation of acts of terrorism in all its forms and manifestations, and by the threats posed by international terrorism and organized crime.

For those of us in the nuclear field, it has become obvious that our work to strengthen nuclear security is both vital and urgent - and that we must not wait for a watershed nuclear security event to provide the needed security upgrades.

The Amendment is therefore vitally important for nuclear security and once in force, will have a major impact on reducing the vulnerability of its States Parties to nuclear terrorism and other malicious acts.

(3) What does the Amendment bring to the table?
The CPPNM remains the only internationally legally binding undertaking in the area of physical protection of nuclear material used for peaceful purposes. In addition, it addresses the criminalization of certain offences and areas of international cooperation.

However, the scope of the CPPNM is not sufficiently comprehensive for today’s world. Most fundamentally, it does not cover either the physical protection of nuclear material in peaceful domestic use, storage and transport, nor nuclear facilities themselves.

This is why the Convention as amended makes a difference. In particular,

i. **Physical Protection**

Where the obligations for physical protection in the Convention cover nuclear material during international transport, the Amendment significantly extends its scope to also cover the physical protection of nuclear material used for peaceful purposes in domestic use, storage and transport and the physical protection of nuclear material and nuclear facilities used for peaceful purposes against sabotage.

ii. **Offences**

The preamble to the Amendment highlights that offences relating to nuclear material and nuclear facilities are a matter of grave concern and that there is an urgent need to adopt appropriate and effective measures, or to strengthen existing measures, to ensure the prevention, detection and punishment of such offences.

Importantly, therefore the Amendment specifically, among other things, establishes new offences relating to nuclear smuggling/illicit trafficking and to sabotage.

iii. **International Cooperation**

Responsibility for nuclear security rests with each sovereign state but the same as for nuclear safety, international cooperation has become the hallmark of these security efforts.

Importantly, therefore the Amendment provides for expanded cooperation between and among States, for example, regarding rapid measures to locate and recover stolen or smuggled nuclear material, mitigate any radiological consequences of sabotage and prevent and combat related offences.

**Status of Adherence**

With **145 States Parties**, the CPPNM has the largest number of parties amongst the legal instruments adopted under the auspices of the Agency.

Although, during the July 2009–June 2010 period, 15 States adhered to the Amendment, the largest number in any 12 month period to date, there are **only 42 Contracting States** to the Amendment.

Disappointingly, of the **32 States** which joined the CPPNM since the adoption of the Amendment, **only 7** then went onto also became Contracting States to the Amendment [Bahrain, Fiji, Gabon, Jordan, Mauritania, Nauru and Nigeria].

This approach clearly has a negative effect: the Amendment will only enter into force pursuant to the deposit of the instruments of ratification, acceptance or approval by two thirds of the States Parties.
The broadest possible participation in the Amendment of the current States Parties to the CPPNM is therefore necessary for the Amendment to enter into force.

**Conclusion**

The Amendment to the CPPNM is one of a number of instruments in the arsenal for dealing with international nuclear security. In its own right the Amendment brings much to the table by expanding and deepening the effect of the CPPNM. It enhances nuclear security and averts nuclear terrorism, smuggling and sabotage. As one of the group of international instruments aimed at strengthening nuclear security it is an essential part to complete the effectiveness of the overall system. Pending it entry into force, serious gaps remain in this system that cannot be filled by any other existing instrument.

Universal adherence to relevant instruments, harmonization of national legal and regulatory frameworks, and effective application of relevant measures can make a major contribution to a global nuclear security system for combating nuclear terrorism. The international community has come to recognize that the threats to nuclear security have an international dimension that requires an international response and through this to strengthen the “weakest link” in the security chain.

In short, the role of the amended Convention in this regard is therefore vitally important.

I close by simply thanking you for your active participation and wishing you every success.

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